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JUN 3 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Section 309(j))
of the Communications Act)
Competitive Bidding Treatment of)
Designated Entities)

PP Docket No. 93-253

To: The Secretary

EX PARTE PRESENTATION

MasTec, Inc. submits an original plus one copy of this memo and attached letter (sent ex-parte via facsimile to Commissioner James Quello) for inclusion in the record of the above-referenced rule making proceeding.

Respectfully submitted,


Matthew L. Leibowitz
Counsel for MasTec, Inc.

June 2, 1994

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June 2, 1994

Via Facsimile

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, NW Room 802
Washington, DC 20554

Re: Personal Communications Services

Dear Commissioner Quello:

Thank you for meeting with me on Tuesday afternoon to discuss minorities and other Designated Entities' participation in PCS. As I believe you are aware, I met with Rudolfo Baca the following morning.

It is my understanding based on several of those meetings that the FCC is now entertaining a proposal that in lieu of a Designated Entities set-aside it will create a separate frequency block for new entities with a maximum gross revenues of \$100,000,000.00. As we previously discussed, it is evident that the cost of acquiring these frequencies through the auction process, as well, as the cost of construction and operation will be immense. Thus, limiting the participation in the new entrant spectrum block to companies with only \$100,000,000.00 in revenue will likely lead to the self fulfilling prophecy that these entities will not be able to participate in acquiring and constructing these facilities. Further, these Designated Entities may not have the financial strength to maintain true ownership and independent control in potential joint ventures.

Under this limitation, MasTec, Inc., (formerly Burnup & Sims and Church & Tower) which is owned and controlled by Jorge Mas Canosa and his family, would not be eligible to participate in this block. MasTec, Inc. has annual revenues of \$178,126,000.00, according to

Commissioner James H. Quello

June 2, 1994

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the Burnup & Sims Notice of 1993 Annual and Special Meeting and Proxy Statement issued on February 10, 1994. It is significant to note that notwithstanding this revenue, MasTec, Inc. had only \$525,000.00 in net income for the same period. Thus, MasTec, Inc., one of the few minority controlled companies with the financial wherewithal to participate in PCS would be excluded from participation in this new block.

Accordingly, we would respectfully request that in the event the FCC entertains this proposal for a new competitive block, that the \$100,000,000.00 threshold be raised to \$200,000,000.00 to allow minority companies such as MasTec, Inc. to participate.

Sincerely yours,



Matthew L. Leibowitz

MLL/mdr

Enclosure

cc: Rudolfo M. Baca, Legal Advisor



***Burnup & Sims Notice of 1993
Annual and Special Meeting
and Proxy Statement***



Burnup & Sims / CT Group
Pro Forma Financial Statements
Unaudited Condensed Consolidated Statement of Operations
Twelve Months
(In Thousands except per share data)

	<u>CT Group</u>	<u>Burnup & Sims</u>	<u>Pro Forma Adjustments</u>	<u>Combined Pro Forma</u>
Revenues	\$ <u>34,136</u>	\$ <u>143,990</u>	\$ _____	\$ <u>178,126</u>
Costs and Expenses				
Costs of Revenues	22,163	126,233		148,396
General and Administrative	2,937	17,075		20,012
Depreciation and Amortization	371	6,600	(207) (14)	6,764
Interest Expense	35	4,718	240 (15)	4,993
Other - Net	<u>350</u>	<u>(5,906)</u>	<u>2,681</u> (16)	<u>(2,875)</u>
Total Costs and Expenses	<u>25,856</u>	<u>148,720</u>	<u>2,714</u>	<u>177,290</u>
Income (Loss) Before Income Taxes	8,280	(4,730)	(2,714)	836
Provision (Credit) for Income Taxes	<u>3,229</u> (17)	<u>(1,738)</u>	<u>(1,180)</u> (18)	<u>311</u>
Net Income (Loss)	\$ <u><u>5,051</u></u>	\$ <u><u>(2,992)</u></u>	\$ <u><u>(1,534)</u></u>	\$ <u><u>525</u></u>
Earnings (Loss) per Share	\$ <u><u>4,592</u></u>	\$ <u><u>(0.34)</u></u>		\$ <u><u>0.03</u></u>
Average Shares Outstanding (000's)	<u><u>1</u></u>	<u><u>8,768</u></u>	<u><u>7,095</u></u> (19)	<u><u>15,864</u></u>

See Notes to Pro Forma Financial Statements.